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Jennifer Becker
Jennifer Becker

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

AUG 26 1999

Applicants : Mich B. Hein et al.

Application No. : 09/005,318

Filed : January 9, 1998

For : NOVEL EPTITHELIAL TISSUE TARGETING AGENT

Examiner : D. Romeo

Art Unit : 1646

Docket No. : 310098.401C1

Date : August 20, 1999

Assistant Commissioner for Patents
Washington, DC 20231

TECH CENTER 1600/290



#8 Election
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RESPONSE TO RESTRICTION REQUIREMENT

Sir:

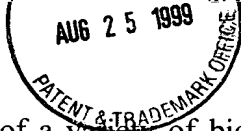
In response to the Restriction Requirement dated July 21, 1999, Applicants hereby elect **with traverse**, Group I, claims 1-31 and 36-41, for examination at this time.

With regard to the species elections, Applicants hereby elect with traverse to pursue the following species at this time:

- (1) a targeting molecule comprising the sequence recited in SEQ ID NO:1;
- (2) targeting molecules in which the means of linking is via a peptide bond (as recited in claim 4); and
- (3) targeting molecules linked to a biological agent that is an antibiotic (*see, e.g., Table I*).

As the remaining requirements for species elections pertain to non-elected claims in Group II, Applicants believe that the election of Group I obviates the need to elect further species.

Applicants respectfully traverse the requirements for species elections. The targeting molecules recited in the present claims satisfy certain structural requirements, and are linked to a biological agent. The precise sequence that makes up the targeting molecule is not a critical aspect of the present invention. Applicants submit that there is no basis for limiting the present invention to a specific sequence, given the broad discovery on which the



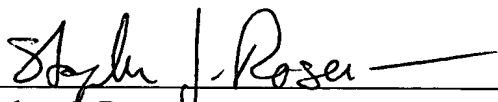
invention is founded. Similarly, any of a variety of biological agents may be linked to a targeting molecule. There is no basis for limiting the scope of the present invention to a specific biological agent, and Applicants request that these species election be withdrawn.

Further, the precise mode of linking the targeting molecule to the biological agent is not a critical aspect of the present invention. The term "linking" refers to the physical relationship between targeting molecule and biological agent. Any of a variety of compounds may be used to achieve linking, with the selection depending upon the intended use of the targeting molecule. There are many suitable linking compounds and there is simply no basis for limiting the scope of the present invention to targeting molecules linked via any one such compound. Applicants submit that the selection of a particular linking compound is not a key aspect of the present invention, and request that this species election be withdrawn.

Applicants further submit that the examination of the present claims, without these additional species elections, would not result in a serious burden on the Examiner. A search of prior art directed to targeting molecules would reveal prior art directed to such compounds, regardless of the precise mechanism of linkage or the specific biological agent. Since there is no apparent undue burden on the Examiner, Applicants request that these requirements for species elections be withdrawn.

In view of the above election, Applicants hereby cancel claims 32-35 without prejudice to the filing of any divisional, continuation, or continuation-in-part application. Consideration of the elected claims is now requested.

Respectfully submitted,
Mich B. Hein et al.
SEED and BERRY LLP



Stephen J. Rosenman
Registration No. 43,058

ATK:jab
Enclosure:

Postcard

6300 Columbia Center
701 Fifth Avenue
Seattle, Washington 98104-7092
(206) 622-4900
Fax: (206) 682-6031

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